

Remarks:

Claims 48-72 remain for consideration in this application with claims 48, 49 and 61 being in independent format. Claim 42, added in the amendment dated December 3, 2002 has been renumbered to claim 48 as noted by the Examiner. Additionally, renumbered claim 48 was noted as allowed in the Office Action.

Claims 49-72 have been added. Independent claim 49 is similar to former claim 30, however, the relevant SEQ ID Nos. and homology language has been deleted and replaced by claiming the peptides as a combination of modules. Independent claim 61 claims the peptide used in the method of claim 49. Support for these new claims is provided in the application at pages 19-26 (example 1).

The rejections under 35 U.S.C. 112, first paragraph for enablement and written description are overcome for the new claims because the new claims do not claim a certain degree of sequence homology or have limitations regarding substitutions, deletions, insertions, and/or additions.

The rejection of claim 33 under 35 U.S.C. 112, second paragraph for indefiniteness of the term "substantially" should also be overcome because the preference for monomeric forms of the peptides was discussed in the specification at page 7, line 34 to page 8, line 12, on page 11, line 32 to page 12, line 2 and in Example 6. For example, the passage beginning at page 7, line 36 notes that "the peptides will predominantly form only monomers when dissolved in solution, with just a trace of dimer present." Accordingly, applicants assert that when the term "substantially" is provided with its ordinary definition and supplemented with the disclosure in the application, this term is sufficiently defined to those of skill in the art. Therefore, applicants assert that this rejection is

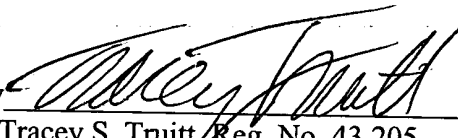
- overcome for claims 53 and 65 which include the term “substantially” with reference to the
- monomeric forms of the peptide.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Respectfully submitted,

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By 

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